

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE PIZARRRO

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(In the space above enter the full name(s) of the plaintiff(s).)

-against-

N.Y.C. N.Y.P.D. COMM. WILLIAM BRATTON;
76TH PCT. CAUCASIN JOHN DOE BLACK HAIR;
SHORT, CHUBBY CAUCASIN 76TH PCT. JOHN DOE
LEGAL ATTORNEY DANIEL DERRY; BROOKLYN
A.D.A. JAMAICAN JANE DOE; GENEIEVE TAYLOR

COMPLAINT

under the

Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)

Jury Trial: Yes No
(check one)

16CV2081

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name JOSE PAZARRO
ID # 1411601751
Current Institution G.R.V.C.
Address 09-09 HAZEN STREET
-0 EAST ELMHURST, N.Y. 11370

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1 Name N.Y.C.N.Y.P.D. COMM. WILLIAM BRATTON Shield #
Where Currently Employed POLICE HEADQUARTERS
Address ONE POLICE PLAZA
NEW YORK, N.Y. 10007

Defendant No. 2

Name 76TH PCT. CAUCASIAN JOHN DOE BLACK HAIR
Shield #
Where Currently Employed 76TH precinct
Address 191 UNION STREET
BROOKLYN, N.Y. 11225

Defendant No. 3

Name 76TH PCT. SHORT CHUBBY P.O. JOHN DOE
Shield #
Where Currently Employed 76TH pct.
Address 191 UNION STREET
BROOKLYN, N.Y. 11225

Defendant No. 4

Name LEGAL AID DANIEL DERBY
Shield #
Where Currently Employed BROOKLYN CRIMINAL COURT
Address 177 LIVING STON STREET, 7TH FLOOR
BROOKLYN, N.Y. 11201

Defendant No. 5

Name A.D.A. JAMAICAN JANE DOE
Shield #
Where Currently Employed BROOKLYN CRIMINAL COURT
Address 320 JAY STREET
BROOKLYN, N.Y. 11201

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?
NOT APPLICABLE

B. Where in the institution did the events giving rise to your claim(s) occur?
NOT APPLICABLE

C. What date and approximate time did the events giving rise to your claim(s) occur?
FEBUARY 17, 2016 AT APPROXIMATELY BETWEEN 9:00 A.M.
TO 12:00 P.M.

D. Facts: ON FEBRUARY 17, 2016 BETWEEN 9:00 A.M. TO 12:p.m. PLAINTIFF JOSE PEZARRO, PRO SE, PROCEEDED TO GROCERY store to OBTAIN A COFFEE, AS HE REENTERED THE BUILDING WHERE HIS FRIEND PRESIDED AN ELDERLY WOMAN, TO SMOKE A CIGARETTE IN THE VESTIBULE he WAS ACCOSTED BY JOHN DOE CAUCASIAN BLACK HAIR DEFENDANT OF THE 76TH PCT, AND BY CAUCASIAN , SHORT CHUBBY JOHN DOE DEFENDANT, AND FALSELY ACCUSED, WITHOUT PROBABLE CAUSE OF FIRING AN FIREARM PRIOR TO BUYING A CUP OF COFFEE, PLAINTIFF'S ARREST WAS IN DIRECT VIOLATION OF HIS FOURTH, FIFTH, SIXTH, EIGHTH, AND FOURTEENTH amendment RIGHTS IN THAT IT WAS DONE WITHOUT PROBABLE CAUSE, WITH ILLEGAL SEARCH AND SEIZURE WAS DOUBLE JEOPARDY, IN THAT THE COMPLAINT WAS MADE THREE(3) DAYS PRIOR TO PLAINTIFF'S ARREST. AFTER PLAINTIFF'S ARREST HE WAS DENIED INEFFECTIVE ASSISTANCE OF COUNSEL DURING his arraignment by defendant daniel derby of the legal aid SOCIETY. DURING HIS COURT PROCEEDINGS PLAINTIFF'S PROSECUTION WAS MALICIOUS AT ALL TIMES A.D.A. JAMAICAN JANE DOE DEFENDANT. DEFENDANT POLICE COMMISSIONER WILLIAM BRATTON HOLDS PARTIAL LIABILITY UNDER MUNICIPAL LAW IN THAT HE FAILED DURING THE TWO CAUCASIAN BLACK HAIR, AND SHORT AND CHUBBY JOHN DOE DEFENDANTS TRAINING IN THAT HE FAILED IN THEIR TRAINING AT THE POLICE ACADEMY IN HOW TO PERFORM THEIR DUTIES IN INVESTIGATING CRIMES, PRIOR TO MAKING UNLAWFUL ARRTS THAT LEADS TO DELIBERATE INDIFFERENCE, AND CRUEL, AND UNUSUAL PUNISHMENT.

III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. PLAINTIFF HAS AND CONTINUES TO SUYFFER FROM AN ENORMOUS AMOUNT OF EMOTIONAL STARESS AND MENTAL ANGUISH THAT CAUSE INSOMNIA, AND MIGRAINE HEADACHES, AND NIGHTMARES ON A NIGHTLY BASIS. PLAINTIFF ALSO SUFFERS FROM THE DEPRAVED HARDSHIP OF BEING CONFINED WITHOUT REGULAR COMMUNICATION WITH HIS FAMILY MEMBERS DEEMING IT IMPOSSIBLE TO STRENGTHEN HIS FAMILY TIES.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes No XX

FACTS (1)
THAT VIOLATE PLAINTIFF'S EIGHTH , AND FOURTEENTH AMENMENT RIGHTS WITHOUT DUE PROCESS OF LAW. DEFENDANT GENEIEVE TAYLOR FILED A FALSE HARASSMENT COMPLAINT AGAINST PLAINTIFF A DAY OR TWO(2) PRIOR TO THE GUN INCEDNT in direct rEtaliation aganst plaintiff, BECAUSE PLAINTIFF THREATENED TO BREAK THEIR RELATIONSHIP OFF. AS A WOMAN SCORNED. IN THE THREE WEEKS PLAINTIFF HAS BEEN UNLAWFULLY IMPRISONED, AND DETAINED, HE HAS NOT BEEN INDICTED AFTER TESTIFYING BEFORE THE GRAND JURY, WHICH SHOULD HAVE LEGALLY LEAD TO PLAINTIFF'S RELEASE. PLAINTIFF HAS BEEN, AND IS STILL BEING ILLEGALLY DETAINED BY THE JUSTICE SYSTEM VIA MALICIOUS PROSECUTION BY DEFENDANT JAMAICAN ASSISTANT DISTRICT ATTORNEY DE FENDANT WITHOUT AN INDICRMENT. THE ELEVENTH AMENDMENT ABSOLUTE IMMUNITY ASYLUM IS A PRIVILEGE TO SHIELS AND PROTECT A JUSTICE OFFICIAL THAT DOES NOT EXHIBIT PROSECUTION THAT IS ARBITRARY AND CAPRICIOUS. THERE WAS A FIREARM FOUND BY THE TWO(2) 76TH PRECINCT DEFENDANTS IN AN APARTME THAT DOES NOT BELONG TO PLAINTIFF, AND IT IS HIGHLY IMPOSSIBLE FOR A CHARGE OF POSSESSION TO STAND BRAINST PLAINTIFF WHEN POSSESSION IS NINE((() TENTHS(10THS) OF THE LAW, AND IT WAS RECOVERED WITHOUT THE PROPER USE OF A WARRANT. PLAINTIFF IS ESSENTIALLY BE HELD HOSTAGE BY THE DEFENDANT JAMAICAN A.D.A. JANE DOE. THESE ACTS TOGETHER VIO:LATE PLAINTIFF'S EIGHTH AND FOURTEENTH AMENDMENT RIGHTS IN THAT THESE ARREST AND PROSECUTION WAS DELIBERATE THAT RISE TO THE LEVEL OF CRUEL, AND UNUSUAL PUNISHMENT, AND PLAINTIFF'S PROTECTED DUE PROCESS RIGHTS UNDER THE UNITED STATES CONSTITUTION.

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

NOT APPLICABLE

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes _____ No XX Do Not Know _____

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes _____ No XX Do Not Know _____

If YES, which claim(s)? NOT APPLICABLE

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes _____ No XX

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes _____ No XX

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance? NOT APPLICABLE

1. Which claim(s) in this complaint did you grieve? _____

NOT APPLICABLE

2. What was the result, if any? NOT APPLICABLE

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

I HAVE DISCUSSED ALL THESE INJUSTICES WITH MY LEGAL
AND LAWYER DEFENDANT DANIEL DERBY TO NO AVAIL, AND/OR RELIEF

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: _____

NOT APPLICABLE

2. If you did not file a grievance but informed any officials of your claim, state who you informed,

when and how, and their response, if any: NOT APPLICABLE

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

NOT APPLICABLE CRIMINAL MATTER.

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). PLAINTIFF SEEKS PAIN AND SUFFERING IN THE AMOUNT OF \$500,000.00 FROM EACH DEFENDANT IN THEIR INDIVIDUAL, AND OFFICIAL CAPACITY, PLAINTIFF ALSO SEEKS EMOTIONAL STRESS AND PAIN AND SUFFERING FROM THE UNLAWFUL IMPRISONMENT FROM EACH DEFENDANT IN THE AMOUNT OF \$500,00.00, AND FINALLY PLAINTIFF SEEKS PUNITIVE DAMAGES TO DETER EACH DEFENDANT FROM FUTURE MALICIOUS PROSECUTION, AND ARRESTS WITHOUT PROBABLE CAUSE FROM EACH DEFENDANT IN THE AMOUNT OF \$500,000.00 for a subtotal of seven(70 POINT FIVE(5) MILLION DOLLARS

VI. Previous lawsuits:

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?
 Yes _____ No XX

On
these
claims

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff NOT APPLICABLE

Defendants NOT APPLICABLE

2. Court (if federal court, name the district; if state court, name the county) NOT APPLICABLE

3. Docket or Index number " " " "

4. Name of Judge assigned to your case " " " "

5. Approximate date of filing lawsuit " " " "

6. Is the case still pending? Yes No XX NOT APPLICABLE

If NO, give the approximate date of disposition NOT APPLICABLE

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) NOT APPLICABLE

On
other
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?
- Yes No XX

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff NOT APPLICABLE

Defendants NOT APPLICABLE

2. Court (if federal court, name the district; if state court, name the county) NOT APPLICABLE

3. Docket or Index number " " " "

4. Name of Judge assigned to your case " " " "

5. Approximate date of filing lawsuit " " " "

6. Is the case still pending? Yes No XX NOT APPLICABLE

If NO, give the approximate date of disposition NOT APPLICABLE

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) NOT APPLICABLE

I declare under penalty of perjury that the foregoing is true and correct.
10TH MARCH 16

Signed this _____ day of _____, 20____.

Signature of Plaintiff

Inmate Number

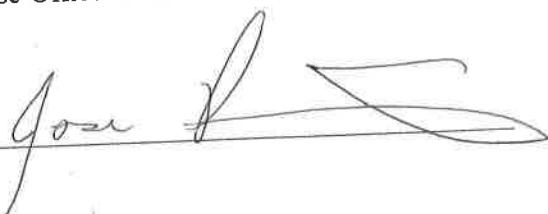
Institution Address


1411601751
09-119 HAZEN STREET
EAST ELMHURST, N.Y. 11370

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

10TH MARCH 16
I declare under penalty of perjury that on this _____ day of _____, 20____, I am delivering this complaint to prison authorities to be mailed to the Pro Se Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:




Am to be for on this 10th
day of March 2016

RUTH MARCANO
NOTARY PUBLIC-STATE OF NEW YORK
No. 01MA5088836
Qualified in Nassau County
My Commission Expires December 01, 2017

MR. JOSE PIZARRO #1411-601751
09-09 HAZEN ST, G.R.V.C.
EAST ELMHURST, N.Y. 11370



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PRO SE INTAKE UNIT ROOM 200
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
U.S. COURTHOUSE-500 PEARL ST.
NEW YORK, N.Y. 10007

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